

ESTTA Tracking number: **ESTTA769176**

Filing date: **09/07/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	FISCHER CONNECTORS HOLDING SA		
Entity	company	Citizenship	Switzerland
Address	Chemin du Glapin 20 Saint-Prex, CH 1162 SWITZERLAND		

Attorney information	Duane M. Byers Nixon & Vanderhye P.C. 901 N. Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com Phone:7037867421
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### Applicant Information

Application No	86684902	Publication date	08/09/2016
Opposition Filing Date	09/07/2016	Opposition Period Ends	09/08/2016
Applicant	Margaret Wolfe 890 S Matlack St. West Chester, PA 19382 UNITED STATES		

### Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Engineering modeling of power transmission systems for use in improving power system performance and reliability; data monitoring, namely, collecting electronic data for the purposes of improving power system performance; automated processsystem monitoring, namely, remote monitoring of power transmission systems; network infrastructure sensing, namely, sensing changes in voltage and /or current in an electrical power distribution network; network infrastructure analysis, namely, analysis of transmission and distribution appliances of electrical power networks; system component sensing, namely, sensing the operation of conductors, switches, fuses, load balancers, and relays in an electrical power distribution network; system component monitoring, namely, monitoring the operation of conductors, switches, fuses, load balancers, and relays in an electrical power distribution network; system component analysis, namely, the analysis of the operational state of power transmission systems; monitoring automated system components, namely, power grid components; Event monitoring services, namely, monitoring changes in state of electrical system distribution components; Consulting in the field of electrical distribution system monitoring; providing information in the field of sensing and monitoring of electrical utility and industrial power equipment for the purpose of disturbance monitoring and recording, and improving power system performance and reliability; providing a website featuring information in the field of sensing and monitoring of electrical utility and industrial power equipment for the purpose of disturbance monitoring and recording, and improving power system performance and reliability; Diagnostic services in the field of operation failure detection of electricity generation, transmission and


distribution systems, namely, real-time fault detection and isolation; Metering and monitoring electric power consumption by third parties for electric power providers


## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2749222	Application Date	08/24/2000
Registration Date	08/12/2003	Foreign Priority Date	07/10/2000
Word Mark	FISCHER CONNECTORS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 electrical connectors, electric cables, electrical contacts and protectors for electric contacts; optical fibers, electric cable sheaths and electric fluidic connectors Class 042. First use: First Use: 0 First Use In Commerce: 0 research and development of new products in the electric connector fields		

U.S. Registration No.	2584615	Application Date	08/24/2000
Registration Date	06/25/2002	Foreign Priority Date	NONE
Word Mark	W W FISCHER CONNECTORS		
Design Mark			
Description of Mark	The design portion of the trademark consists of the stylized letters "W" and "W" and design.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 electrical connectors, electric cables, electrical contacts and protectors for electric contacts; optical fibers, electric cable sheaths and electric fluidic connectors Class 042. First use: First Use: 0 First Use In Commerce: 0 research and development of new products in the electric connector fields		

U.S. Registration No.	4758060	Application Date	08/25/2014
Registration Date	06/23/2015	Foreign Priority Date	03/13/2014
Word Mark	FISCHER CONNECTORS		
Design Mark			
Description of Mark	The mark consists of the wording "FISCHER" above the wording "CONNECTORS"; there is a circle around the upper half of the letter "i" in the wording "FISCHER".		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Connectors and component parts; in particular, connectors for electric and electronic apparatus and instruments, electric cables, electric contacts, protectors for electric contacts, optical fibers, sheaths for electric cables Class 042. First use: First Use: 0 First Use In Commerce: 0 Research and development of new products in the field of connectors		

Attachments	76115651#TMSN.png( bytes ) 76115624#TMSN.png( bytes ) 79154656#TMSN.png( bytes ) 2590-613 Notice of Opposition - FISCHER CONNECTORS v FISCHER BLOCK.pdf(95521 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/dmb/
Name	Duane M. Byers
Date	09/07/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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FISCHER CONNECTORS HOLDING SA	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	Application Serial No. 86684902
	)	
MARGARET WOLFE	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, FISCHER CONNECTORS HOLDING SA, with a business address of Chemin du Glapin 20, Saint-Prex, SWITZERLAND, CH 1162, hereby opposes registration of the mark FISCHER BLOCK that is the subject of application Serial No. 86684902, published on August 9, 2016, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer is the owner of the U.S. Trademark Registration No. 2749222 for the FISCHER CONNECTORS trademark for "electrical connectors, electric cables, electrical contacts and protectors for electric contacts; optical fibers, electric cable sheaths and electric fluidic connectors" in International Class 9, and "research and development of new products in the electric connector fields" in International Class 42. This registration is valid, subsisting, unrevoked, uncanceled, and incontestable.
2. Opposer has duly registered the FISCHER CONNECTORS trademark for the goods identified in U.S. Registration No. 2749222. The Registration rights date back to July 10, 2000.

3. Opposer is the owner of the U.S. Trademark Registration No. 2584615 for the FISCHER CONNECTORS trademark for "electrical connectors, electric cables, electrical contacts and protectors for electric contacts; optical fibers, electric cable sheaths and electric fluidic connectors" in International Class 9, and "research and development of new products in the electric connector fields" in International Class 42. This registration is valid, subsisting, unrevoked, uncanceled, and incontestable.
4. Opposer has duly registered the FISCHER CONNECTORS trademark for the goods identified in U.S. Registration No. 2749222. The Registration rights dates back to at least as early as August 24, 2000.
5. Opposer is the owner of the U.S. Trademark Registration No. 4758060 for the FISCHER CONNECTORS trademark for "Connectors and component parts; in particular, connectors for electric and electronic apparatus and instruments, electric cables, electric contacts, protectors for electric contacts, optical fibers, sheaths for electric cables" in International Class 9, and "Research and development of new products in the field of connectors" in International Class 42. This registration is valid, subsisting, unrevoked, and uncanceled.
6. Opposer has duly registered the FISCHER CONNECTORS trademark for the goods identified in U.S. Registration No. 4758060. The Registration rights dates back to March 13, 2014.
7. Opposer has used the FISCHER CONNECTORS trademarks identified above in US commerce with the goods and services identified above for many years and long before any US commerce use or US application filing by the applicant for the FISCHER BLOCK trademark.

8. Opposer has prior rights in the FISCHER CONNECTORS trademarks identified above compared to any alleged rights that Applicant has in the FISCHER BLOCK trademark.
9. Opposer has used the FISCHER CONNECTORS trademark with the “BLOCK” term in US commerce with Class 9 goods for many years and long before any US commerce use or US application filing by the applicant for the FISCHER BLOCK trademark.
10. Applicant has filed a US application to register the FISCHER BLOCK trademark for "Engineering modeling of power transmission systems for use in improving power system performance and reliability; data monitoring, namely, collecting electronic data for the purposes of improving power system performance; automated process system monitoring, namely, remote monitoring of power transmission systems; network infrastructure sensing, namely, sensing changes in voltage and /or current in an electrical power distribution network; network infrastructure analysis, namely, analysis of transmission and distribution appliances of electrical power networks; system component sensing, namely, sensing the operation of conductors, switches, fuses, load balancers, and relays in an electrical power distribution network; system component monitoring, namely, monitoring the operation of conductors, switches, fuses, load balancers, and relays in an electrical power distribution network; system component analysis, namely, the analysis of the operational state of power transmission systems; monitoring automated system components, namely, power grid components; Event monitoring services, namely, monitoring changes in state of electrical system distribution components; Consulting in the field of electrical

distribution system monitoring; providing information in the field of sensing and monitoring of electrical utility and industrial power equipment for the purpose of disturbance monitoring and recording, and improving power system performance and reliability; providing a website featuring information in the field of sensing and monitoring of electrical utility and industrial power equipment for the purpose of disturbance monitoring and recording, and improving power system performance and reliability; Diagnostic services in the field of operation failure detection of electricity generation, transmission and distribution systems, namely, real-time fault detection and isolation; Metering and monitoring electric power consumption by third parties for electric power providers" in International Class 42. Applicant filed the application on July 7, 2015, which the USPTO has identified as Application No. 86684902. Applicant filed the application as an "intent to use" trademark application. Applicant has not filed any Statement of Use of the trademark.

11. Applicant's FISCHER BLOCK trademark so resembles Opposer's FISCHER CONNECTORS trademark as to be likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act. Applicant is attempting to register its confusingly similar trademark for the same, similar, and/or related goods/services. Consumers are likely to be confused and/or are likely to incorrectly think that Applicant and Opposer are the same or are affiliated in some fashion. Consumers could also believe that the FISCHER BLOCK trademarked services are extensions of Opposer's FISCHER CONNECTORS trademarked products/services. A likelihood of confusion is increased by both parties' usage (or applicant's intended usage) of the BLOCK term with the FISCHER trademark term with the goods and

services identified Opposer's registrations identified above and Applicant's application identified above. Opposer will be harmed by Applicant's registration of the FISCHER BLOCK trademark of US Application No. 86684902.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Date: September 7, 2016

Respectfully submitted,

/Duane M. Byers/

DUANE M. BYERS

NIXON & VANDERHYE, P.C.  
901 NORTH GLEBE ROAD, 11<sup>TH</sup> FLOOR  
ARLINGTON, VIRGINIA 22203  
PHONE: 1-703-786-7421  
AUTHORIZED E-MAIL:  
NIXONPTOMAIL@NIXONVAN.COM

ATTORNEYS FOR OPPOSER,  
FISCHER CONNECTORS HOLDING SA

### **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED THAT A TRUE COPY OF THE FOREGOING WAS SERVED ON APPLICANT BY DEPOSITING SAME IN THE UNITED STATES MAIL, FIRST CLASS, POSTAGE PRE-PAID, ON THIS DATE, ADDRESSED TO APPLICANT:

Margaret Wolfe  
890 S. Matlack Street  
West Chester, PA 19382

/Duane M. Byers/